REMARKS

INTRODUCTION:

Claim 5 is rejected under 35 U.S.C. § 112 as being indefinite.

Claims 1-6 and 10-11 are rejected under 35 U.S.C. § 102(e) as being anticipated by Saito et al. (USPN 6,018,690).

Claim 7-9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Saito et al. (USPN 6,018,690) in view of Nguyen et al. (USPN 6,564,332).

These rejections are respectfully traversed.

In accordance with the foregoing, claims 1, 5, 8, 10 and 11 have been amended. No new matter has been added.

Claims 1-11 are pending and under consideration.

Reconsideration is requested.

REJECTION UNDER 35 U.S.C. § 112:

In the Office Action, at page 2, claim 5 is rejected under 35 U.S.C. § 112 as being indefinite. This rejection is traversed and reconsideration is requested.

Claim 5 has been amended to recite more clearly that the power supply control device includes a storage element that stores information relating to configuration units that comprise the apparatus and an amount of power consumption corresponding to each configuration unit, thus generating historical data to estimate the power consumption of the configuration units to be connected to said apparatus.

Thus, claim 5 is believed to be definite and allowable under 35 U.S.C. §112.

REJECTION UNDER 35 U.S.C. § 102(e):

In the Office Action, at pages 2-5, claims 1-6 and 10-11were rejected under 35 U.S.C. § 102(e) as being as being anticipated by Saito et al. (USPN 6,018,690; hereafter referenced as Saito et al.).

These rejections are traversed and reconsideration is requested.

It is respectfully submitted that Saito et al. teaches power supply control for computer program products, methods, and a system, all of which have a predetermined maximum consumable power. (See Saito et al. independent claims 1-8.) That is, each unit or line that receives power has a maximum amount of power that it can consume. In contrast, the present

invention sets forth a variable apparatus that may have various configuration units, each having its own respective power consumption amount. That is, the apparatus of the present invention does not receive a predetermined maximum consumable power, but rather has a consumable power that is dependent upon which configuration units are coupled to the apparatus.

Thus, over time, the consumable power utilized by the apparatus of the present invention depends upon the configuration units coupled thereto, and has no predetermined maximum amount of power. Instead, the power supply control device of the present invention estimates the power needed for each configuration unit of an apparatus according to historical data, and provides power to the apparatus accordingly.

Independent claims 1, 8, 10 and 11 have been amended to clarify that the present invention provides power supply control to a variable maximum power consumption device, in contrast to power supply control of the power line, computer product or system that has a predetermined maximum consumable power that is taught by Saito et al.

Since claims 2-5 depend from amended claim 1, claims 2-5 are deemed to be allowable for at least the reasons that amended claim 1 is allowable.

Thus, it is respectfully submitted that claims 1-6 and 10-11 are not anticipated under 35 U.S.C. § 102(e) by Saito et al. (USPN 6,018,690).

REJECTION UNDER 35 U.S.C. § 103:

In the Office Action, at pages 5-8, claims 7-9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Saito et al. (USPN 6,018,690; hereafter Saito et al.) in view of Nguyen et al. (USPN 6,564,332; hereafter Nguyen et al.).

These rejections are traversed and reconsideration is requested.

Claim 8 has been amended as described above to show more clearly that the present invention sets forth power supply control to a variable maximum power consumption apparatus. Claim 7,which depends from amended claim 1, and claim 9, which depends from amended claim 8, inherit the features of their independent claims. As described above, Saito et al. teaches away from the present invention by teaching power supply control of an apparatus having a predetermined maximum consumable power. Thus, Saito et al. teaches a different estimation of power supply capacity and has a different display of optimum power supply configuration when compared with the present invention. Nguyen et al. teaches managing the power consumed in an integrated circuit, which is very different from the present invention and the problems solved therein. It is respectfully submitted that combining Saito et al., which teaches away from the present invention, with Nguyen

et al., does not suggest or render obvious the present invention.

In addition, it is respectfully submitted that there is no teaching or suggestion of combining Saito et al. and Nguyen et al. It is respectfully submitted that the courts have held that the Examiner may not suggest modifying references using the present invention as a template, absent a suggestion of the desirability of the modification in the prior art. *In re Fitch*, 23 U.S.P.Q.2d 1780, Fed Cir. 1992. Something in the prior art as a whole must suggest the desirability, and thus, the obviousness, of making the combination. *Alco Standard Corp. v. Tennessee Valley Authority*, 808 F. 2d 1490, 1 U.S.P.Q. 2d 1337 (Fed. Cir. 1986). When a rejection depends on a combination of prior art references, there must be some teaching, suggestion or motivation to combine the references. *In re Geiger*, 815 F.2d 686, 688 2 U.S.P.Q.2d 1276, 1278 (Fed. Cir. 1987). Thus, since there is no teaching or suggestion of combining Saito et al. and Nguyen et al., it is respectfully submitted that claims 7-9 are patentable over Saito et al. and Nguyen et al. under 35 U.S.C. § 103(a).

CONCLUSION:

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot, and further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance, which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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